

CRM-M-36810-2020 (O&M)

Date of decision: 26.02.2021

BALWINDER SINGH @ KAKA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. J.S.Thakur, Advocate
for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*VIVEK PURI,J. (ORAL)

Copy of the order dated 12.06.2020 passed by the Hon'ble Supreme Court has been placed on record.

The petitioner is seeking regular bail in the case bearing FIR No. 36 dated 23.05.2019, under Sections 323,324,452,148,149 IPC, 1860 and 326/307/325 IPC, 1860 (added later on), registered at Police Station Sekhwan, District Gurdaspur.

The case has been registered on the basis of the statement made to the police by Sukhraj Singh complainant alleging that on 22.05.2019 his uncle Harjinder Singh was lying on a cot near the gate of their house and the complainant was sitting near him. At about 8.30 P.M. Balwinder Singh and Inderjit Singh armed with Dattars, Ranjit Kaur empty handed along with 4-5 unknown persons armed

with sticks came in front of the house of Harjinder Singh. Ranjit Kaur exhorted that a lesson be taught to Harjinder Singh for ploughing their land. Inderjit Singh and unknown person dragged Harjinder Singh from the cot to the street. Inderjit Singh inflicted Dattar blow near the left cheek and another Dattar blow on the small finger of the right hand of Harjinder Singh. Complainant along with his father Bhupinder Singh tried to intervene. Balwinder Singh @ Kaka gave Dattar blow on the face of Bhupinder Singh, due to which his teeth were broken and he fell on the ground. Unknown persons inflicted Dang blows and the assailants fled away from the spot.

It has been contended by the learned counsel for the petitioner that he is in custody since 03.07.2020. The co-accused, namely, Inderjit Singh and Ranjit Kaur have been released on bail, the injured has been discharged from hospital and he is hale and hearty. Furthermore, the complainant and injured have already been examined during the course of trial. The weapon of offence attributed to the petitioner has also been recovered.

On instructions from ASI Didar Singh, learned State counsel has not assailed the aforesaid fact.

In the instant case, the offence under Section 307 IPC has been added subsequently. The co-accused have been released on bail. The eye witness and the injured have been examined and injured is stated to have been discharged from hospital. The petitioner is in custody for the last about 08 months. The conclusion of the trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioner in further custody.

In these set of circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant

petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

26.02.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No